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January 5, 2022

By ECF

Hon. P. Kevin Castel
U.S. District Court, Southern District of New York
500 Pearl St.
New York, New York 10007

Re: *FCS Advisors, LLC v. Theia Group, Inc., et al.*, 21 Civ. 6995 (S.D.N.Y.)

Dear Judge Castel:

We represent plaintiff/counterclaim defendant FCS Advisors, LLC (“Brevet”), along with counterclaim defendants Brevet Capital Management, LLC and Mark Callahan (collectively, the “Brevet Parties”). We write jointly with plaintiff/counterclaim defendants Robert Leeds, Leeds Holdings, LLC, and Strongbow Holdings, LLC (collectively, the “Leeds Parties”) to respectfully request an adjournment of the time for the Brevet and Leeds Parties to respond to the counterclaims of the defendants (collectively, “Theia”) from January 10, 2022 to March 18, 2022. There are no conferences currently scheduled before the Court in this matter.

In the Brevet Parties’ first request for an extension of the date to respond to defendants’/counterclaim plaintiffs’ counterclaims, the Brevet Parties sought an extension to allow the receiver sufficient time to investigate and evaluate the counterclaims. The Court granted this first request on November 12, 2021. (ECF 119.) Following that extension, the receiver requested financing from Brevet to conduct this investigation. In late December 2021, in the course of negotiating the proposed financing, counsel for the receiver informed the Brevet Parties’ counsel that at that point, an investigation into the counterclaims could not be completed until late February 2022. The receiver and his counsel would then need time to evaluate the results of the investigation. The Brevet and Leeds Parties now jointly seek an extension from the Court for the deadline to respond to the defendants’/counterclaim plaintiffs’ counterclaims.

This is the Brevet and Leeds Parties’ second request for an adjournment of this deadline. The receiver overseeing Theia consents to this request. This request, if granted, would not impact any other dates.

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We thank the Court for its consideration of this request.

Respectfully,

/s/ Charles Michael

Charles Michael

cc: All Counsel of Record (via ECF)